

JAN 25 2007

EXHIBIT 1

DATE 3/27/07

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CR-07-0016-FVS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ELLREESE N. DANIELS,

Defendant.

INDICTMENT

Vio: 18 U.S.C. § 1112, 1114 -
Involuntary Manslaughter
of an Employee of the
United States
(Four Counts)

18 U.S.C. § 1001 -
Material False Statement
Within the Jurisdiction of
the Executive Branch of
the United States
(Seven Counts)

The Grand Jury charges:

COUNT ONE

On or about July 10, 2001, in the Okanogan-Wenatchee National Forest, in the Eastern District of Washington, Defendant ELLREESE N. DANIELS did commit a lawful act or a series of lawful acts, specifically, supervising firefighters who were working to suppress a wildfire in the Chewuch River Canyon, which was referred to as the Thirtymile Fire, in a manner that was grossly negligent, meaning in a manner that was in wanton and reckless disregard for human life, with the Defendant knowing of circumstances that reasonably would cause the Defendant to foresee that the Defendant's course of conduct in the supervision of

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1 the firefighters might place the lives of firefighters in danger, which was the
2 proximate cause of the death of Tom Craven, a firefighter who was employed by
3 the Forest Service, U.S. Department of Agriculture, while Tom Craven was
4 engaged in the performance of his official duties; all in violation of Title 18,
5 United States Code, Sections 1112 and 1114.

6
7 COUNT TWO

8 On or about July 10, 2001, in the Okanogan-Wenatchee National Forest, in
9 the Eastern District of Washington, Defendant ELLREESE N. DANIELS did
10 commit a lawful act or a series of lawful acts, specifically, supervising firefighters
11 who were working to suppress a wildfire in the Chewuch River Canyon, which
12 was referred to as the Thirtymile Fire, in a manner that was grossly negligent,
13 meaning in a manner that was in wanton and reckless disregard for human life,
14 with the Defendant knowing of circumstances that reasonably would cause the
15 Defendant to foresee that the Defendant's course of conduct in the supervision of
16 the firefighters might place the lives of firefighters in danger, which was the
17 proximate cause of the death of Karen Fitzpatrick, a firefighter who was employed
18 by the Forest Service, U.S. Department of Agriculture, while Karen Fitzpatrick
19 was engaged in the performance of her official duties; all in violation of Title 18,
20 United States Code, Sections 1112 and 1114.

21
22 COUNT THREE

23 On or about July 10, 2001, in the Okanogan-Wenatchee National Forest, in
24 the Eastern District of Washington, Defendant ELLREESE N. DANIELS did
25 commit a lawful act or a series of lawful acts, specifically, supervising firefighters
26 who were working to suppress a wildfire in the Chewuch River Canyon, which
27 was referred to as the Thirtymile Fire, in a manner that was grossly negligent,

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1 meaning in a manner that was in wanton and reckless disregard for human life,
2 with the Defendant knowing of circumstances that reasonably would cause the
3 Defendant to foresee that the Defendant's course of conduct in the supervision of
4 the firefighters might place the lives of firefighters in danger, which was the
5 proximate cause of the death of Jessica Johnson, a firefighter who was employed
6 by the Forest Service, U.S. Department of Agriculture, while Jessica Johnson was
7 engaged in the performance of her official duties; all in violation of Title 18,
8 United States Code, Sections 1112 and 1114.

9
10 COUNT FOUR

11 On or about July 10, 2001, in the Okanogan-Wenatchee National Forest, in
12 the Eastern District of Washington, Defendant ELLREESE N. DANIELS did
13 commit a lawful act or a series of lawful acts, specifically, supervising firefighters
14 who were working to suppress a wildfire in the Chewuch River Canyon, which
15 was referred to as the Thirtymile Fire, in a manner that was grossly negligent,
16 meaning in a manner that was in wanton and reckless disregard for human life,
17 with the Defendant knowing of circumstances that reasonably would cause the
18 Defendant to foresee that the Defendant's course of conduct in the supervision of
19 the firefighters might place the lives of firefighters in danger, which was the
20 proximate cause of the death of Devin Weaver, a firefighter who was employed by
21 the Forest Service, U.S. Department of Agriculture, while Devin Weaver was
22 engaged in the performance of his official duties; all in violation of Title 18,
23 United States Code, Sections 1112 and 1114.

24
25 COUNT FIVE

26 On or about July 12, 2001, in the Eastern District of Washington, in a matter
27 within the jurisdiction of the Forest Service, U.S. Department of Agriculture,
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1 Defendant ELLREESE N. DANIELS did knowingly and intentionally make a
2 false and fictitious material statement and representation concerning his conduct
3 while supervising firefighters on the Thirtymile Fire; specifically, during an
4 interview with a member of the Forest Service Safety and Accident Investigation
5 Team and a representative of the Occupational Safety and Health Administration,
6 while describing the events following the entrapment of a portion of the Northwest
7 Regular # 6 firefighting crew and through the deployment of fire shelters by those
8 crew members, the Defendant stated that he told a female firefighter to get two
9 civilians into her fire shelter and to keep them in her shelter; when in truth and in
10 fact the Defendant knew during the interview that he had not given any instruction
11 to the female firefighter to get the two civilians into her fire shelter; all in violation
12 of Title 18, United States Code, Section 1001.

13
14 COUNT SIX

15 On or about July 12, 2001, in the Eastern District of Washington, in a matter
16 within the jurisdiction of the Forest Service, U.S. Department of Agriculture, and
17 the Occupational Safety and Health Administration, U.S. Department of Labor,
18 Defendant ELLREESE N. DANIELS did knowingly and intentionally make a
19 false and fictitious material statement and representation concerning his conduct
20 while supervising firefighters on the Thirtymile Fire; specifically, during an
21 interview with a member of the Forest Service Safety and Accident Investigation
22 Team, in response to a question about what communication took place between the
23 Defendant and a small group of firefighters who were on a scree slope above a
24 road at the site where the entrapped members of the Northwest Regular # 6
25 firefighting crew eventually deployed their fire shelters, the Defendant stated that
26 he told the group at least three times to come down out of the rocks because that is
27 not the place to be; when in truth and in fact the Defendant knew during the

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1 interview that he had not told the small group of firefighters to come down out of
2 the rocks; all in violation of Title 18, United States Code, Section 1001.

3
4 COUNT SEVEN

5 On or about July 12, 2001, in the Eastern District of Washington, in a matter
6 within the jurisdiction of the Forest Service, U.S. Department of Agriculture, and
7 the Occupational Safety and Health Administration, U.S. Department of Labor,
8 Defendant ELLREESE N. DANIELS did knowingly and intentionally make a
9 false and fictitious material statement and representation concerning his conduct
10 while supervising firefighters on the Thirtymile Fire; specifically, during an
11 interview with a member of the Forest Service Safety and Accident Investigation
12 Team, while discussing a small group of firefighters who were on a scree slope
13 above a road at the site where the entrapped members of the Northwest Regular #
14 6 firefighting crew eventually deployed their fire shelters, and in response to a
15 question about whether the Defendant had any idea why the small group of
16 firefighters did not do as he asked to come down out of the rocks, the Defendant
17 stated that he did not have any idea and that he wished that he could have made
18 them listen; when in truth and in fact the Defendant knew during the interview that
19 he had not told the small group of firefighters to come down out of the rocks; all in
20 violation of Title 18, United States Code, Section 1001.

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22 COUNT EIGHT

23 On or about August 9, 2001, in the Eastern District of Washington, in a
24 matter within the jurisdiction of the Occupational Safety and Health
25 Administration, U.S. Department of Labor, Defendant ELLREESE N. DANIELS
26 did knowingly and intentionally make a false and fictitious material statement and
27 representation concerning the conduct of Forest Service employees who were

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1 operating fire engines on the Thirtymile Fire, during an interview with a
2 representative of the Occupational Safety and Health Administration; specifically,
3 in response to a question as to whether the Defendant knew that two fire engines
4 had arrived at the fire, the Defendant stated that neither of the two fire engines,
5 which were designated as Engine 701 and Engine 704, stopped to talk to the
6 Defendant or to the Crew Boss Trainee for the Northwest Regular # 6 firefighting
7 crew when they arrived at the Thirtymile Fire on the afternoon of July 10, 2001;
8 that the engines were "doing their own thing;" and that neither of the engines ever
9 contacted the Defendant or the Crew Boss Trainee; when in truth and in fact the
10 Defendant knew during the interview that the foreman of the larger of the two fire
11 engines, Engine 701, had stopped, checked in with the Defendant, and confirmed
12 with the Defendant that the engines would proceed up the Chewuch River Canyon
13 to patrol for spot fires; all in violation of Title 18, United States Code, Section
14 1001.

15
16 COUNT NINE

17 Between on or about March 14, 2002, and on or about March 28, 2002, in
18 the Eastern District of Washington, in a matter within the jurisdiction of the Forest
19 Service, U.S. Department of Agriculture, Defendant ELLREESE N. DANIELS did
20 knowingly and intentionally make a false and fictitious material statement and
21 representation on or about March 14, 2002, during an interview with members of
22 the Forest Service Administrative Review Team that was examining the conduct
23 of Forest Service employees who worked on the Thirtymile Fire, and did
24 knowingly and intentionally document that false and fictitious material statement
25 and representation in a declaration that the Defendant signed on or about March
26 28, 2002; specifically, the Defendant stated that neither of the two fire engines,
27 which were designated as Engine 701 and Engine 704, checked in with the
28

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1 Defendant when they arrived at the Thirtymile Fire on the afternoon of July 10,
2 2001; when in truth and in fact the Defendant knew during the interview that the
3 foreman of the larger of the two fire engines, Engine 701, had stopped, checked in
4 with the Defendant, and confirmed with the Defendant that the engines would
5 proceed up the Chewuch River Canyon to patrol for spot fires; all in violation of
6 Title 18, United States Code, Section 1001.

7
8 COUNT TEN

9 Between on or about March 14, 2002, and on or about March 28, 2002, in
10 the Eastern District of Washington, in a matter within the jurisdiction of the Forest
11 Service, U.S. Department of Agriculture, Defendant ELLREESE N. DANIELS did
12 knowingly and intentionally make a false and fictitious material statement and
13 representation on or about March 14, 2002, during an interview with members of
14 the Forest Service Administrative Review Team that was examining the conduct
15 of Forest Service employees who worked on the Thirtymile Fire, and did
16 knowingly and intentionally document that false and fictitious material statement
17 and representation in a declaration that the Defendant signed on or about March
18 28, 2002; specifically, while describing the events from the time that a portion of
19 the Northwest Regular # 6 firefighting crew re-engaged the wildfire through the
20 deployment of fire shelters by the entrapped crew members, the Defendant stated
21 that he told Tom Craven and the other firefighters who were with Tom Craven in a
22 loud voice to come down from the scree slope to the road, but that the firefighters
23 did not come down from the scree slope; when in truth and in fact the Defendant
24 knew during the interview that he had not told the small group of firefighters to
25 come down from the scree slope to the road; all in violation of Title 18, United
26 States Code, Section 1001.

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28 INDICTMENT - 7

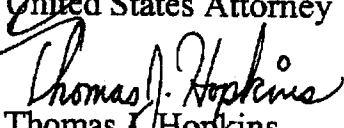
COUNT ELEVEN

Between on or about March 14, 2002, and on or about March 28, 2002, in the Eastern District of Washington, in a matter within the jurisdiction of the Forest Service, U.S. Department of Agriculture, Defendant ELLREESE N. DANIELS did knowingly and intentionally make a false and fictitious material statement and representation on or about March 14, 2002, during an interview with members of the Forest Service Administrative Review Team that was examining the conduct of Forest Service employees who worked on the Thirtymile Fire, and did knowingly and intentionally document that false and fictitious material statement and representation in a declaration that the Defendant signed on or about March 28, 2002; specifically, while describing the events from the time that a portion of the Northwest Regular # 6 firefighting crew re-engaged the wildfire through the deployment of fire shelters by the entrapped crew members, the Defendant stated that he told a female firefighter to get a female civilian and a male civilian into her fire shelter and to keep them in her shelter; when in truth and in fact the Defendant knew during the interview that he had not given any instruction to the female firefighter to get the two civilians into her fire shelter; all in violation of Title 18, United States Code, Section 1001.

DATED this 24 day of January, 2007.

A TRUE BILL


James A. McDevitt
United States Attorney


Thomas J. Hopkins
Assistant United States Attorney

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